

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In Re: SUSAN M. GUALTIERI : Case No. 15-54768
: Chapter 13
: Judge CHARLES M. CALDWELL

MOTION TO MODIFY DEBTOR'S CHAPTER 13 PLAN

Now comes Frank M. Pees, Chapter 13 Trustee, and requests that the Court enter an Order Modifying Debtor's Chapter 13 Plan, pursuant to 11 U.S.C. §1329(a) and Fed. R. Bankr. P. 3015. Support for this motion is set forth below.

MEMORANDUM IN SUPPORT

Debtor's Chapter 13 plan was confirmed on September 24, 2015, and provides for a dividend of 16.00% to unsecured creditors. The deadline to file proofs of claims has passed, and, based on claims filed, the projected length of the Plan fails to meet the applicable commitment period set forth in 11 U.S.C. §1325(b)(4). The Trustee calculates that if Debtors' Plan is modified to pay a dividend of 18.50%, the Plan will meet the applicable commitment period. This modification does not affect the rights of creditors or other parties in interest.

Wherefore, the Trustee respectfully requests that this Court enter an Order modifying the Plan as set forth above pursuant to 11 U.S.C. §1329 and granting such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Frank M. Pees
Frank M. Pees
Chapter 13 Trustee
130 E Wilson Bridge Rd #200
Worthington, OH 43085
(614) 436-6700
trustee@ch13.org

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CERTIFICATE OF SERVICE

I hereby certify that on March 23, 2016, a copy of the foregoing Motion to Modify was served on the following registered ECF participants, **electronically** through the court's ECF System at the email address registered with the court:

US Trustee
Frank M. Pees
W Mark Jump

and on the following by **ordinary U.S. Mail** addressed to:

Susan M. Gualtieri
6643 Brixton Park Ave. #101
Columbus, OH 43235

/s/ Frank M. Pees
Frank M. Pees
Chapter 13 Trustee

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NOTICE OF MOTION TO MODIFY

The Chapter 13 Trustee has filed papers with the court to modify the Chapter 13 Plan in this case .

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one .

If you do not want the court to grant the relief sought in this motion, **then on or before twenty-one (21) days from the date set forth in the certificate of service for the motion**, you must file with the court a response explaining your position by mailing your response by regular U.S. Mail to:

CLERK, US BANKRUPTCY COURT
170 N HIGH ST
COLUMBUS, OH 43215-2403

OR your attorney must file a response using the court's ECF System .

The court must receive your response on or before the above date .

You must also mail a copy of your response either by 1) the court's ECF System or by 2) regular U.S. Mail to:

FRANK M PEES TRUSTEE
130 E WILSON BRIDGE RD #200
WORTHINGTON, OH 43085-6300

UNITED STATES TRUSTEE
170 N HIGH ST STE 200
COLUMBUS, OH 43215

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter the order granting relief without further notice or hearing .

Date: March 23, 2016

/s/ Frank M. Pees
Frank M. Pees
Chapter 13 Trustee